

**UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

1200 New Jersey Avenue, SE
West Building, W41-326
Washington, DC 20590

In re:

Fiat Chrysler Automobiles US LLC

AQ14-003 (Recall Nos. 13V-528 and 13V-529)

NHTSA Recall Nos. 13V-038, 13V-252,

13V-527, 14V-373, 14V-391, 14V-438,

14V-567, 14V-634, 14V-749, 14V-795,

14V-796, 14V-817, 15V-041, 15V-046,

15V-090, 15V-114, 15V-115, and 15V-178

SPECIAL ORDER DIRECTED TO FIAT CHRYSLER AUTOMOBILES US LLC

To:

Phil Hartnagel, Senior Manager
Product Investigations & Campaigns
Fiat Chrysler Automobiles US LLC
CIMS 482-00-91
800 Chrysler Drive
Auburn Hills, MI 48326

This Special Order is issued by the Secretary of Transportation pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 C.F.R. §§ 510.7 and 510.8, and pursuant to a delegation of authority to the Chief Counsel of the National Highway Traffic Safety Administration (“NHTSA”), an Operating Administration of the United States Department of Transportation, 49 C.F.R. §§ 1.95, 501.8(d).

On October 20, 2014, NHTSA’s Office of Defects Investigation (“ODI”) opened an Audit Query (AQ14-003) to investigate the delays in execution of recall campaigns 13V-528 and 13V-529. In both recalls, owners complained to NHTSA about difficulty in obtaining service appointments and part availability issues. Additionally, in recent months, NHTSA experienced

problems and has concerns with the administration, execution, and pace of vehicles being remedied across a number of Fiat Chrysler Automobiles US LLC (“FCA”) safety recalls (namely, NHTSA Recall Nos. 13V-038, 13V-252, 13V-527, 14V-373, 14V-391, 14V-438, 14V-567, 14V-634, 14V-749, 14V-795, 14V-796, 14V-817, 15V-041, 15V-046, 15V-090, 15V-114, 15V-115, and 15V-178). NHTSA has received complaints from vehicle owners involving part availability issues, lack of notification, and misinformation from dealers.

These recall campaigns address the following:

1. Loosening of the rear axle pinion nut causing loss of vehicle control (13V-038);
2. Rear fuel tank structure’s risk of failure (13V-252);
3. Failure of the left tie rod assembly resulting in loss of steering control (13V-527);
4. Failure of the left tie rod assembly resulting in loss of steering control (13V-528);
5. Failure of the left tie rod assembly resulting in loss of steering control (13V-529);
6. Inadvertent ignition switch movement turning off the engine (14V-373);
7. Vanity lamp wiring shortages resulting in fire (14V-391);
8. Inadvertent ignition switch movement turning off the engine (14V-438);
9. Inadvertent ignition switch movement turning off the engine (14V-567);
10. Sudden failure of the alternator (14V-634);
11. Inoperative instrument cluster causing vehicle failure (14V-749);
12. Broken springs in the clutch ignition interlock switch (14V-795);
13. Loosening of the rear axle pinion nut causing loss of vehicle control (14V-796);
14. Potential air bag inflator rupture with metal fragments causing serious injury (14V-817);
15. Unintended air bag deployment during vehicle operation (15V-041);

16. Unintended air bag deployment during vehicle operation (15V-046);
17. Contaminated, dislodged or broken parking pawl or park rod (15V-090);
18. Fuel leak near an ignition source (15V-114);
19. Fuel pump relay causing a vehicle to stall without warning (15V-115); and,
20. Driver and passenger side door latch failure (15V-178).

To further the AQ14-003 investigation and to understand the administration and execution of FCA's safety recalls, this Special Order demands certain information from FCA. FCA's response to this Special Order must be provided by **5:00 p.m., Monday, June 1, 2015**. FCA's response must be signed under oath, i.e., accompanied by an affidavit, signed by a responsible officer of FCA, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of FCA to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order. 49 U.S.C. § 30166(g)(1)(A); 49 C.F.R. § 510.7.

Failure to respond fully or truthfully to this Special Order may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject FCA to civil penalties of up to \$7,000 per day, up to a maximum penalty of \$35,000,000 for a related series of daily violations. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 C.F.R. § 578.6(a)(3). Falsifying or withholding information in response to this Special Order may also lead to criminal penalties of a fine or imprisonment of up to 15 years, or both. 49 U.S.C. § 30170(a)(1).

DEFINITIONS

To the extent used in this Special Order, the following definitions apply:

1. **“FCA”** means Fiat Chrysler Automobiles US LLC, formerly known as Chrysler Group LLC, all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of FCA (including all business units and persons previously referred to), who are or, in or after January 1st, 2000, were involved in any way with any of the following related to the defect in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g., quality control);
- b. Testing, assessment, or evaluation;
- c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
- d. Communication to, from, or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to, people who have the capacity to obtain information from dealers.

2. **“You” or “Your”** means FCA or FCA’s.

3. **“Affiliates”** means a corporation that is related to another corporation (such as a subsidiary, parent, or sibling corporation) by shareholdings or other means of control.

4. **“Agent”** means an individual, such as a representative, who is authorized to act for or in place of another.

5. **“Defect” or “Defects”** has the same meaning as found in 49 U.S.C. §30102. With respect to each Recall addressed herein, means the defect addressed in the corresponding Part 573 Report.

6. **“Document(s)”** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure, and includes all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, and all mechanical, magnetic, and electronic records or recordings of any kind. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

7. **“Employee”** means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.

8. **“Identify,” “identity” or “identification,”** with respect to a person, means to provide that person’s name, title or position, employer, and last known business address and telephone number. With respect to a document, means the date (or time period covered if not dated), nature of document, author, and recipient(s). With respect to a business, means to provide

the corporate address, name of its principals, telephone number, and name and address of the agent for service. With respect to a website, means the uniform resource locator (“URL”) of the site, the name and address of the owner of the site and the name and address of administrator of the website.

9. **“Officer”** means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.

10. **“Subject Vehicles”** means all vehicles within the scope of the Recalls addressed herein.

11. **“Recall” or “Recalls”** means NHTSA Recall Nos. 13V-038, 13V-252, 13V-527, 13V-528, 13V-529, 14V-373, 14V-391, 14V-438, 14V-567, 14V-634, 14V-749, 14V-795, 14V-796, 14V-817, 15V-041, 15V-046, 15V-090, 15V-114, 15V-115, and 15V-178.

12. **Other terms.** To the extent that they are used in these requests, the terms “claim,” “consumer complaint,” “dealer field report,” “field report,” “fleet,” “model,” “model year,” “notice,” “warranty,” whether used in singular or in plural form, have the same meaning as found in 49 C.F.R. § 579.4.

INSTRUCTIONS

1. Your response to the Special Order shall be sent to Office of the Chief Counsel (NCC-111), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590.

2. Please repeat the applicable request verbatim above your response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

3. When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation. Please also be reminded that where a document responsive to a request is not in the English language, both the original document and an English translation of the document must be produced.

4. You are required to respond to every request listed in this Special Order. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you are unable to respond because you do not have all or any of the precise information needed to respond, provide an estimate. If, on the basis of attorney-client, attorney work product, or other privilege, you do not submit one or more requested documents or items of information in response to this Special Order, you must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

5. The response to this Special Order, including any documents produced, must be submitted in duplicate, together with a copy of any confidentiality request, to this office by the deadline stated above.

6. If you claim that any of the information or documents provided in response to this Special Order constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. Part 512, to the Office of Chief Counsel (NCC-111),

National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. You are required to submit two copies of the documents containing allegedly confidential information and one copy of the documents from which information claimed to be confidential has been redacted. Failure to adhere to the requirements of 49 C.F.R. Part 512 will result in a rejection of your request for confidential treatment.

7. Where the number of consumer complaints, field reports and/or reports involving a fire, crash, injury, or fatality is requested, state the total number of each item separately. Multiple incidents involving the same consumer, vehicle, or piece of equipment are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report, and a consumer complaint).

8. For reports involving a fire, crash, injury or fatality, provide a summary description of the alleged problem and causal and contributing factors and FCA's assessment of the problem, with a summary of the significant underlying facts and evidence.

9. All documents shall be produced electronically, as described below, in a common format (e.g. Word or PDF).

- a. Hard copy documents shall be imaged in PDF format. They shall be provided as multi-page PDFs with document level optical character recognition ("OCR").
- b. Electronically Stored Information ("ESI") shall be converted to multi-page PDFs and produced along with document level OCR/extracted text.
- c. You shall produce an index that lists the title of each document produced and the request to which it corresponds.

- d. For any document containing personally identifiable information (“PII”), produce one copy of the document unredacted and one copy of the document with all PII redacted.

10. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. “And” as well as “or” shall be construed either disjunctively or conjunctively, to bring within the scope of this Special Order all responses that might otherwise be construed to be outside its scope. “Each” shall be construed to include “every” and “every” shall be construed to include “each.” “Any” shall be construed to include “all” and “all” shall be construed to include “any.” The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document requests all responses which might otherwise be construed to be outside its scope.

11. FCA’s response to this Special Order must be under oath, i.e., accompanied by an affidavit, signed by a responsible officer of FCA, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of FCA to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order.

REQUESTS

1. Identify all notices, communications, or instructions FCA issued, transmitted, or otherwise made available to its dealers relating in any way to each Recall. This request includes, but is not limited to, notices, bulletins, and other communications as described in 49 C.F.R.

§579.5, and instructions related to remedy timing, remedy availability, remedy application, remedy parts ordering, and remedy parts restrictions. For each notice, bulletin, communication, or instruction you identify, state:

- a. The date it was transmitted;
- b. The type of notice or communication (e.g., recall notice, dealer bulletin, internal communication, etc.);
- c. The means of transmission (e.g., email, fax, etc.); and
- d. The group within FCA that issued the notice or communication (e.g., parts engineering, recall administration, etc.).

Produce a copy of each notice or communication you identify in response to this question, including copies of any accompanying attachments. Organize the documents separately by Recall, and describe the method FCA used for organizing the documents.

2. For each Recall, state the number of each of the following, received by FCA, or of which FCA is otherwise aware, which relate to, or may relate to, the defect, remedy or owner notification which was received after the date of FCA's 49 C.F.R. §573.6 submission to NHTSA:

- a. Consumer complaints, including those from fleet operators;
- b. Field reports, including retailer field reports; and,
- c. Reports involving a fire, crash, injury, or fatality.

For items "a" through "c," state the total number of each item separately for each Recall. For item "c," provide a summary description of the alleged problem and causal and contributing factors and FCA's assessment of the problem, with a summary of the significant underlying facts and evidence. Produce a copy of each complaint, field report, or other report you identify in response to this question, including copies of any accompanying attachments.

Organize the documents separately by Recall, and describe the method FCA used for organizing the documents.

3. For each Recall, state the number of each of the following, received by FCA, or of which FCA is otherwise aware, which relate to, or may relate to, the defect, remedy or owner notification which was received after the date of FCA's Part 573 submission to NHTSA:

- a. Third-party arbitration proceedings where FCA is or was a party to the arbitration; and,
- b. Lawsuits, both pending and closed, in which FCA is or was a defendant or codefendant.

For items "a" and "b," identify the parties to the action, the caption, court, docket number, date on which the complaint or other document initiating the action was filed, the allegation(s) against FCA, and the current procedural posture of the case. If the matter has settled, state the terms of the settlement and the date on which the settlement was reached. For each arbitration or lawsuit you identify, produce a copy of the most recent complaint or other document initiating the action, and any settlement agreement or final decision.

4. Provide a spreadsheet containing the information required by 49 C.F.R. § 573.7, updated as of the date of this Special Order. The spreadsheet should be produced in native Excel format, with one Recall per row. For any Recall where the remedy has not yet begun, provide the current anticipated date of owner and dealer notification.

5. Describe in detail any measures FCA may be planning or has executed to achieve a maximum possible completion rate for each Recall. Produce copies of any documents that evidence FCA's plans or that reflect the measures it has taken or plans to take above and beyond the required owner and dealer notifications.

6. Describe in detail any challenges FCA faces in achieving a maximum possible completion rate for each Recall.

7. Provide an organizational chart of FCA employees involved in recall administration.

8. Describe in detail any training employees involved in recall administration receive regarding 49 C.F.R. Part 573 and/or Part 577. Provide a copy of any written training or guidance materials regarding 49 C.F.R. Part 573 and/or Part 577 used by employees involved in recall administration.

Dated: May 18, 2015

Pursuant to Delegation:

A handwritten signature in blue ink, appearing to read "T. H. Goodman", is written over a horizontal line.

Timothy H. Goodman
Assistant Chief Counsel
for Litigation and Enforcement